From: Howard Egan [mailto:howa@howa.net]
Sent: Thursday, January 19, 2006 1:34 PM
To: MLPA_ITeam@resources.ca.gov; MLPAComments@resources.ca.gov; John Kirlin; John Ugoretz; Michael D. DeLapa; Melissa Miller-Henson
Subject: Comments on Jan 17 SAT draft evaluation.

Attached are my early comments on the Jan 17 draft documents released by the SAT. I haven't had as much time as I would have liked to review them, but since the SAT meeting is tommorow I felt it better to send the comments I have so far.

To: ***MLPA I-Team and SAT***

From: **Howard Egan**

Date: **January 18, 2006**

Subject: **Initial Comments on SAT Draft Evaluation Released 1/17/06**

The following are primarily general comments on the overall document.

What are we Evaluating Against?

Over the course of the RSG process, we were clearly directed to construct a network that complied with the SAT guidelines adopted by the Fish and Game commission as part of the Master Plan Framework. This was further reinforced near the end of the November RSG meeting in Cambria when we asked specifically what the SAT's evaluation would consist of. Specifically, the response we were given was that the SAT would be directed to identify if proposals were in compliance with the adopted guidelines, and if they were not, to specify how they were not in compliance and to provide recommendations to make the proposals compliant. Further, we were also assured that the SAT would not engage on passing judgments, on whether or not the proposal was good or bad, or engage in a comparison of various proposals.

In reading all of the text of the *DRAFT SAT Evaluation of Proposed MPA Packages*, I can find no discussion or analysis of how the various proposals meet the SAT guidelines. More troubling is the following sentence from the Summary on page 13 of the draft, which implies that the SAT has embarked-on or been directed to do the following:

> *We were asked to provide an evaluation of how well each of the proposed MPA packages achieves the statutory requirements of MLPA goals one and four.*

In another quote from page 2:

> *Rationale for categories of protection. The SAT is evaluating the MPA proposals particularly with respect to five MLPA goals: 1, 2, 3, 4, and 6*

Both of these imply something quite different from measuring the compliance with the guidelines themselves. This direction seems to bypass the SAT guidelines, as yet another interpretation of the statutory requirements of the act and its goals.

This is a major shortcoming of the overall stated purpose of the draft evaluation. We designed our proposal to comply with the SAT guidelines, and based on the draft, it appears that this is not what the proposal is being evaluated against.

SMCA Levels of Protection and Which Levels are "Counted"

In a separate memo I have enumerated the many shortcomings that I believe exist in the newly developed level of protection scheme. That being said, the draft doesn't seem to consistently depict which SMCA protection levels count toward what. For example in Section 3, *Description of Habitat Protection by Subregions Within Proposed Packages*, it describes percentages of protection within each habitat type for each subregion. However, when I compare the staff habitat analysis to the numbers reported, the cited protection percentages fall woefully short of the actual protection afforded. Further, when I look at the graphs in Figure 3, the cited protection levels don't match the graphs. I used the Pigeon Point to Capitola subregion as a proxy here.

The following quoted text illustrates my point.

> ***Subregion 1:*** *Pigeon Point to Capitola*
> ***Comments:*** *This package includes high protection of four shoreline habitats. The remaining available habitats (i.e., kelp, sand and rock 0-100 m) receive little (<4%) protection from the proposed MPAs. To better achieve MLPA Goals 1 and 4, additional MPAs would be needed or existing MPAs would need to be extended into these habitats. There is no deep (>100 m) sand or rock habitat in this subregion.*

In this region for example, greater than 25% of all the rock from 0-100m is protected. So this leads to the question, are MPAs that afford good protection being discounted?

This was not an exhaustive analysis of each subregion, but the inconsistency is assumed to be present throughout.

Since the actual protection level associated with any of these arbitrary low, medium, high designations cannot be known without many years of analysis on the implemented network, it is inappropriate to exclude anything, with the possible exception of MPAs that allow targeted extraction like the Cambria SMP.

The case for needing to either revisit the classification system or diminish its relevance becomes clear simply by looking at the following ridiculous outcome: The Alder Creek, Diablo Canyon and Vandenberg SMCAs get low protection levels; because a portion allows salmon in less than 50 meters. These three very large areas which exclude almost all fisheries get the same protection level as the Pismo Clam area that only protects invertebrates.

Missing analysis of MPA complexes

Most of the proposals particularly Proposal 1 make substantial use of MPA complexes. In other words SMR/SMCA combinations that amount to one bigger MPA that adds up to really more protection than just the sum of the two parts. In the analysis, these complexes are treated without reference or connection to each other, as if they are independent MPAs. This needs to be addressed to assess the true value of the MPA complexes.

A more detailed description of this is in the "*How we meet SAT guidelines*" section in our supporting documents pages 48-54, linked here.

Missing analysis of Federal MPAs and Management Measures

At the November F&G commission meeting, Commissioners made it clear that any MPA network proposal include the conservation contributions provided by the RCA and other federal and state fishery management measures. This direction seems to be getting systematically ignored.

A straightforward example of how to do this analysis is in our supporting documents pages 51-54, linked here.

Leased Kelp Beds

In mid December there was a discussion regarding leased kelp beds, and specifically the leased kelp bed near Greyhound Rock. We were told when we designed this network that this issue should not encumber us. During this timeframe we successfully argued that the correct plan of action is to have the SAT evaluate MPAs (for all three proposals) at face value without considering kelp bed leases, and to have the Dept deal with implementation. If that means phasing of certain elements (i.e. from SMCA to SMR after a lease runs out) in order to get around kelp bed leases then that should be the Department and/or the Commission's responsibility, not the SAT's. Otherwise the SAT is engaged in policy and implementation rather than science.

The I-Team agreed with us, and John Kirlin sent out a memo dated 12/19/05 directing the SAT to evaluate MPAs as proposed and not to consider the kelp bed leases.

Unfortunately, this direction has not been followed in the draft evaluation. As a result our SMR at Greyhound Rock has been misclassified as allowing kelp harvest even though our proposal prohibits it. The draft evaluation needs to be corrected to account for the direction given on December 19.

Recent discussions describe that the analysis of the MPA system without consideration of kelp bed leases is simply running late. However, if this issue was being addressed as we agreed to in December, then the analysis without consideration of the Kelp Bed leases would have been front and center (i.e. they would have been done first), with an appendix that perhaps identifies to the Commission and/or BRTF the ramifications of not phasing out the leases.